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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,863	06/27/2003	Eustathios Vassiliou	AN13D2	7112

7590 06/22/2004  
EUSTATHIOS VASSILIOU  
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EXAMINER

SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/607,863

Applicant(s)

VASSILIOU, EUSTATHIOS

Examiner

Flemming Saether

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 191-202 and 205-216 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 191-202 and 205-216 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 191, 192, 195-198, 201, 202, 205, 206, 209-212, 215 and 216 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkin (3,426,817). Parkin discloses a folded sheet metal fastener comprising: an upper free-ended top section (10) having a hole (10a); a lower free-ended top section (9) having a hole (9a); a bottom section (1) having a hole (2); a left section (8) and a right section (7) connecting the top and bottom sections and; front (3) and back (4) snapping section each including an anti-sliding extension (5, 6). Parkin does not disclose the snapping sections connected to the either of the toe sections instead, Parkin discloses the snapping sections connected to the bottom section. However, it would have been an obvious to one of ordinary skill in the art to reverse the location of the snapping sections from the bottom section to either of the top sections since the device would operate in a similar manner only reversed. The courts have settled that, if there were no criticality<sup>1</sup>, a shift in the location of parts would be obvious<sup>2</sup>. Lastly, Parkin discloses the fastener is intended to be used in combination with a vehicle.

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<sup>1</sup> In re Hubbell, 76 USPQ 105 (CCPA 1947)

<sup>2</sup> In re Japikse, 86 USPQ 70 (CCPA 1950)

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Claims 193, 194, 199, 200, 207, 208, 213 and 214 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkin as applied to claims 191 and 205 above, and further in view of Tinnerman (Re 21,769). Tinnerman discloses a folded sheet metal fastener having upper (12) and lower (11) sections wherein the upper section provided support to the lower section (at 25). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the upper section of Parkin with support to the lower section as disclosed in Tinnerman so that the sections remain properly separated. The proper separation allows for the engagement of separate threads of the threaded stud for an improved coupling.

### ***In response to Remarks***

Applicant argues that in Parkin, the location of the pair of resilient arms (3 and 4) is critical for the operation of the device and as such it would not have been obvious to relocate them. In response, the examiner understands the applicant's position however contrary thereto the examiner contends the device would in fact be operable. Once the modification was made, the arms would be extending from one of the top sections (9 or 10) which would necessitate the top sections being inserted into the hole in the plate (5) first so as to be spaced from the plate (5) thus enabling the arms to flex at a fulcrum.

### ***Conclusion***


**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
Flemming Saether  
Primary Examiner  
Art Unit 3677